

Chief Deputy

JOHN CREAMER

OFFICE
(386) 736-5961



VOLUSIA COUNTY SHERIFF'S OFFICE

123 WEST INDIANA AVE • P.O. BOX 569 • DELAND, FLORIDA 32721-0569
(386) 740-5134 (FAX) • WWW.VOLUSIASHERIFF.ORG

TO: Deputy Anthony Abato #2496

DATE: March 26, 2019

FROM: John Creamer
Chief Deputy

SWC

FILE: 041M0026.19

SUBJECT: Disposition of Internal Investigation

RE: IA-19-002

Based upon the facts presented in this investigation, the complaint has been classified as:

Allegation

Findings

Volusia County Merit System Rules and Regulations 86-453:

(1) Willfull neglect in the performance of the duties of the position to which the employee is assigned. SUSTAINED

(12) Incompetent or unsatisfactory performance of duties. SUSTAINED

26.2.41 Negligence Associated with Safety of Persons or Property SUSTAINED

26.2.42 Endangering Others Through Neglect :

A. Emergency situations where there is a known danger to the lives of others; SUSTAINED

B. In response to serious crimes. Particularly those of violent nature, which come to their attention on or off duty. SUSTAINED

26.2.123 Prompt Compliance With Lawful Order SUSTAINED

Because of your voluntary transfer and demotion, no discipline will be rendered.

The completed case file is retained in the files of the Volusia County Sheriff's Office, Internal Affairs Unit, Deland, Florida.

cc: Internal Affairs
File

Volusia County Sheriff's Office Supervisor Discipline Report

Incident Entered By: [IAPro entry - Glen Bennett]

Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
3/25/2019		
Record ID #	Agency Case #	File #
25189		SD 19-043
Date/Time Entered		
3/25/2019 09:54		

Incident Summary

Letter of Reprimand (LOR)

Please forward the LOR to the involved employee and have them acknowledge the document by typing their name in the comments section. Acknowledgement by the involved employee does not admit wrongdoing, only receipt and notification. The involved employee will then forward the LOR back to the initiating supervisor. The supervisor will then forward the LOR through the chain of command for review. Supporting documents may also be attached as necessary.

Sergeant Jonelle Hillyard #2383
Law Enforcement Division
District - 4 Patrol

Volusia County Merit System Rules and Regulations 86-453: This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.

RE: (12) Incompetent or unsatisfactory performance of duties.

On January 10, 2019, at approximately 1:15PM, you were contacted by Deputy Anthony Abato and advised of a reported firearm on the campus of New Smyrna Beach High School. Deputy Abato provided you a brief update stating, "Hey I just got reported, I'm stuck with a Baker Act, but kid went to the administrators and said there's a kid on the campus with a gun." He further informed you New Smyrna Beach Police Department was notified and again confirmed the report of the potential firearm.

Having been provided this information, you as his supervisor, did not take immediate action in prioritizing the threat of the reported firearm. It was not until approximately three minutes later, after being told by your supervisor, you ordered Deputy Abato to leave the Baker Act with school officials and "Go" confront the reported threat.

In the end, the threat was mitigated without incident and the reported firearm was identified as an Airsoft handgun lookalike; however, the lack of an immediate response by Deputy Abato was inexcusable. After being informed of the reported firearm, you should have ordered Deputy Abato to immediately confront the threat; there should have been no delay. History has proven time is of the essence when dealing with incidents of this nature.

Take note that any future violation of Sheriff's Office policy may subject you to further discipline. Please be aware of progressive discipline.

Incident Location

(None entered)

Involved Employees

SGT Jonelle Hillyard - DID #: 2383

Body Worn Camera: [No Response]

Role

-

Allegations linked to this employee

- Sustained 3/25/2019

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

No attachments

Assignment History

Sent Dt	From	To
3/25/2019	Glen Bennett	(None Specified)
Assignment notes		
Field status changed in IAPro from to Pending assignment		
Email sent to receiver		
No email sent		
3/25/2019	Glen Bennett	STTR, District 4,
Assignment notes		
Field assigned		
Email sent to receiver		
No email sent		
4/1/2019	Sergeant Ryan Mills	STTR, District 4,
Assignment notes		
Field assigned		
Email sent to receiver		
No email sent		
4/4/2019	Sergeant Ryan Mills	(None Specified)
Assignment notes		
Field status changed in IAPro from Completed - in holding bin to Released		
Email sent to receiver		
No email sent		

Chain of Command History

Routing #1	
Sent From:	DEP Glen Bennett
Sent To:	CAPT Paul Kammerer
CC:	(none)
Sent Date/Time:	3/25/2019 10:02 AM
Instructions from DEP Glen Bennett to CAPT Paul Kammerer:	
Please forward the LOR to the involved employee and have them acknowledge the document by typing their name in the comments section. Acknowledgement by the involved employee does not admit wrongdoing, only receipt and notification. The involved employee will then forward the LOR back to the initiating supervisor. The supervisor will then forward the LOR through the chain of command for review. Supporting documents may also be attached as necessary.	
Comments/Response from CAPT Paul Kammerer:	
Approved: Approved	
Reason:	
Comments: [Forwarded by CAPT Paul Kammerer]	

Routing #2	
Sent From:	CAPT Paul Kammerer
Sent To:	CAPT Brian Bosco
CC:	DEP Glen Bennett
Sent Date/Time:	3/25/2019 10:24 AM
Instructions from CAPT Paul Kammerer to CAPT Brian Bosco:	
LOR for Sergeant Jonelle Hillyard #2383.	
Comments/Response from CAPT Brian Bosco:	
Approved: Approved	
Reason:	
Comments: [Forwarded by CAPT Brian Bosco]	

Routing #3	
Sent From:	CAPT Brian Bosco
Sent To:	SGT Jonelle Hillyard
CC:	(none)
Sent Date/Time:	3/26/2019 2:40 PM
Instructions from CAPT Brian Bosco to SGT Jonelle Hillyard:	
Acknowledge the document by typing your name in the comments section. Acknowledgement does not admit wrongdoing, only receipt and notification. You will then forward the LOR back to the initiating supervisor.	
Comments/Response from SGT Jonelle Hillyard:	
Approved: Approved	
Reason:	
Comments: Jonelle Hillyard	

Routing #4	
Sent From:	SGT Jonelle Hillyard
Sent To:	CAPT Brian Bosco
CC:	(none)
Sent Date/Time:	3/26/2019 3:29 PM
Instructions from SGT Jonelle Hillyard to CAPT Brian Bosco:	
Completed	

Comments/Response from CAPT Brian Bosco:

Approved: Approved

Reason:

Comments:

[Forwarded by CAPT Brian Bosco]

Routing #5

Sent From:	CAPT Brian Bosco
Sent To:	DCHF Timothy Morgan
CC:	(none)
Sent Date/Time:	3/26/2019 3:46 PM

Instructions from CAPT Brian Bosco to DCHF Timothy Morgan:

For Review.

Comments/Response from DCHF Timothy Morgan:

Approved: Approved

Reason:

Comments:

[Forwarded by DCHF Timothy Morgan]

Routing #6

Sent From:	DCHF Timothy Morgan
Sent To:	CAPT Erik Eagan
CC:	DEP Glen Bennett
Sent Date/Time:	4/1/2019 10:34 AM

Instructions from DCHF Timothy Morgan to CAPT Erik Eagan:

Hey Erik is there anyway we can put everything, the harassment, the middle school, and Atlantic? Glenn what are you thoughts?

Comments/Response from CAPT Erik Eagan:

Approved: Approved

Reason:

Comments:

[Forwarded by CAPT Erik Eagan]

Routing #7

Sent From:	CAPT Erik Eagan
Sent To:	DEP Glen Bennett
CC:	LT Michelle Newman, LT Thomas Tatum
Sent Date/Time:	4/1/2019 1:26 PM

Instructions from CAPT Erik Eagan to DEP Glen Bennett:

As discussed, LTs Newman and Tatum will submit supporting documentation to add to this LOR.

Comments/Response from DEP Glen Bennett:

Approved: No

Reason:

Comments:

Incident routing was closed out by IAPro user Sergeant Ryan Mills and the incident was re-routed to DCHF Timothy Morgan [2459]

Routing #8

Sent From:	SGT Ryan Mills
Sent To:	DCHF Timothy Morgan
CC:	(none)
Sent Date/Time:	4/1/2019 3:21 PM

Instructions from SGT Ryan Mills to DCHF Timothy Morgan:

DC Morgan, here is the SD to close out Sgt. Hillyards IA. It just needs to be routed through the chain for approval.

Comments/Response from DCHF Timothy Morgan:

Approved: Approved

Reason:

Comments:

[Forwarded by DCHF Timothy Morgan]

Routing #9

Sent From: DCHF Timothy Morgan

Sent To: CHDP John Creamer

CC: (none)

Sent Date/Time: 4/2/2019 1:35 PM

Instructions from DCHF Timothy Morgan to CHDP John Creamer:

Chief this closes out her portion of the IA. (NSBHS)

Comments/Response from CHDP John Creamer:

Approved: Approved

Reason:

Comments:

[Forwarded by CHDP John Creamer]

Routing #10

Sent From: CHDP John Creamer

Sent To: Admin IA

CC: (none)

Sent Date/Time: 4/3/2019 10:18 AM

Instructions from CHDP John Creamer to Admin IA:

FYR

Comments/Response from SGT Ryan Mills:

Approved: Approved

Reason:

Comments:

[Forward to IAPro by SGT Ryan Mills]

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

CAPT Paul Kammerer

CAPT Brian Bosco

SGT Jonelle Hillyard

DCHF Timothy Morgan

CAPT Erik Eagan

DEP Glen Bennett

CHDP John Creamer

SGT Ryan Mills



Sheriff's Office

Volusia County

Michael J. Chitwood, Sheriff

RECEIVED
3/21/19

To: Sheriff Michael Chitwood
Via the Chain of Command

Date: March 19, 2019

From: Deputy Anthony Abato 
Special Services Division/SRD

File: 073M0028.19

Subject: Request for Reassignment to Civilian Position

This memo serves as a formal request for a reassignment from Deputy II to Telecommunicator. I have served as a deputy with the agency since 2002. After much self-reflection, I have decided a transfer to Telecommunicator is in the best interest of both the agency and myself. I have reviewed this decision with family, friends, and peers. I am aware the transfer from a sworn deputy position to a civilian position will result in a reduction of base salary and FRS benefits. I appreciate the opportunity to continue serving the residents of Volusia County.

Thank you for your consideration of this matter.

A handwritten signature in black ink, appearing to be "A. Abato".

Chief Deputy

JOHN CREAMER

OFFICE
(386) 736-5961



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To: Deputy Anthony Abato #2496
Support Operations Division

Date: January 23, 2019

From: John W. Creamer
Chief Deputy

File: 041M0004.19

Subject: Notification of Internal Investigation

Reference: IA 19-002

Pursuant to **Directive 52.1.58** you are hereby notified that you are the subject of an internal investigation. The complainant in this case is Chief Deputy John Creamer.

This investigation is relevant to an alleged violation of Department Standards Directives and Volusia County Merit System Rules and Regulations:

Volusia County Merit System Rules and Regulations 86-453. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

RE: (1) Willful neglect in the performance of the duties of the position to which the employee is assigned.

(12) Incompetent or unsatisfactory performances of duties.

26.2.41 Negligence Associated with Safety of Persons or Property - Employees shall be attentive to job duties and shall not violate official Directives, orders, supervisory instructions, or knowingly refrain and cause another to refrain from the performance of lawful duties required for the safety of persons or property. *(Violation subject up to a demotion.)*

26.2.42 Endangering Others Through Neglect -Deputies shall take appropriate action in response to:

A. Emergency situations where there is a known danger to the lives of others;

B. In response to serious crimes. Particularly those of violent nature, which come to their attention on or off duty. *(Violation subject up to dismissal.)*

Subject: Notification of Internal Investigation

Date: January 23, 2019

File: 041M0004.19

Reference: IA 19-002

The alleged violations were reported to have occurred on January 10, 2019.

Enclosed please find a copy of the Law Enforcement Officer's Rights, which includes your rights and responsibilities relevant to this investigation.

Be advised that you are prohibited from contacting any witnesses, complainants or discussing this investigation with anyone; with the exception of your personal representative or attorney.

If necessary, an appointment will be made with you at a later date for the purpose of taking your statement.

This memo read and received by:
Deputy Anthony Abato #2496

Date: 1/24/19

Time: 10:00

Served by: (Gtu)

JC/gb

Chief Deputy

JOHN CREAMER

OFFICE
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To: Sergeant Jonelle Hillyard #2383
Support Operations Division

Date: February 12, 2019

From: John W. Creamer
Chief Deputy

File: 041M0013.19

Subject: Notification of Internal Investigation

Reference: IA 19-002

Pursuant to **Directive 52.1.58** you are hereby notified that you are the subject of an internal investigation. The complainant in this case is Chief Deputy John Creamer.

This investigation is relevant to an alleged violation of Department Standards Directives and Volusia County Merit System Rules and Regulations:

Volusia County Merit System Rules and Regulations 86-453. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

RE: (1) Willful neglect in the performance of the duties of the position to which the employee is assigned.

26.2.5 Neglect of Duty - Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect. *(Violation subject up to a 5 day suspension)*

The alleged violations were reported to have occurred on January 10, 2019.

Enclosed please find a copy of the Law Enforcement Officer's Rights, which includes your rights and responsibilities relevant to this investigation.

Be advised that you are prohibited from contacting any witnesses, complainants or discussing this investigation with anyone; with the exception of your personal representative or attorney.

JA 2-12-19

Subject: Notification of Internal Investigation

Date: February 12, 2019

File: 041M0013.19

Reference: IA 19-002

If necessary, an appointment will be made with you at a later date for the purpose of taking your statement.

This memo read and received by:
Sergeant Jonelle Hillyard #2383

Sgt J. Hillyard
Date: 2-12-19
Time: 1430 hrs

Served by: (Signature)

JC/gb